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Atorneys for CATERPILLAR INC.

Attorneys for CATERPILLAR INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 CATERPILLAR INC., a Delaware
11 Corporation,

CASE NO. 5:06-CV-04529

12 Plaintiff,

13 || v.

14 RENN TRANSPORTATION COMPANY,
a California General Partnership, BRAD
15 RENN, the estate of GERALD RENN,
PATRICIA RENN, ANN RENN, and
16 ROBERT RENN, individuals, and DOES
1-10.

STIPULATION AND [PROPOSED] ORDER FOR FILING OF THIRD AMENDED COMPLAINT

Defendant.

IT IS HEREBY STIPULATED by and between the parties hereto through their respective attorneys of record that Plaintiff shall be entitled to file the attached Third Amended Complaint (“TAC”).

24 The attached TAC shall be deemed to be filed upon the date of entry of an Order on this
25 stipulation approving the filing of the TAC.

IT IS FURTHER STIPULATED that, following an Order on this stipulation, Defendants Renn Transportation Company, Brad Renn, Patricia Renn, Ann Renn and Robert Renn shall have 45 days from the date of filing of the TAC to file a responsive pleading.

1 Dated: February 14, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

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3 Dated: February 14, 2007

By: /s/ Tara L. Condon

Randall G. Block

Tara L. Condon

Attorneys for Plaintiff Caterpillar Inc.

4

5 Dated: February 14, 2007

FOLGER LEVIN & KAHN LLP

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By: /s/ Karen Petrulakis

Karen Petrulakis

Attorneys for Defendants Renn Transportation
Company, Brad Renn, Patricia Renn, Ann Renn
and Robert Renn

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11 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

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13 Dated: February 15., 2007

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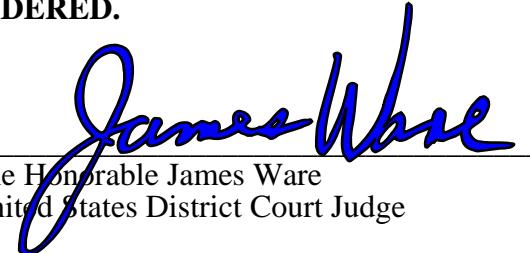
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The Honorable James Ware
United States District Court Judge



The Honorable James Ware
United States District Court Judge

1 ATTESTATION OF SIGNATURE
2 (N.D. Cal. General Order No. 45)

3 I, Tara L. Condon, hereby attest that concurrence in the filing of the *Stipulation for*
4 *Filing Third Amended Complaint* has been obtained from Karen Petrulakis, attorney for
5 Defendants Renn Transportation Company, Brad Renn, Patricia Renn, Ann Renn and Robert
6 Renn.

7
8 Dated: February 14, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

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10 By: /s/ Tara L. Condon

11 Randall G. Block
12 Tara L. Condon
13 Attorneys for Plaintiff Caterpillar Inc.
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PROOF OF SERVICE

2 I am a resident of the State of California, over the age of eighteen years, and not a party to the
within action. My business address is Sedgwick, Detert, Moran & Arnold LLP, One Market
3 Plaza, Steuart Tower, 8th Floor, San Francisco, California 94105. On February 14, 2007, I
served the within document(s):

STIPULATION AND [PROPOSED] ORDER FOR FILING OF THIRD AMENDED COMPLAINT

- 6 FACSIMILE - by transmitting via facsimile the document(s) listed above to the
7 fax number(s) set forth on the attached Telecommunications Cover Page(s) on
 this date before 5:00 p.m.

8 MAIL - by placing the document(s) listed above in a sealed envelope with
9 postage thereon fully prepaid, in the United States mail at San Francisco,
 California addressed as set forth below.

10 PERSONAL SERVICE - by personally delivering the document(s) listed above to
 the person(s).

11 OVERNIGHT COURIER - by placing the document(s) listed above in a sealed
12 envelope with shipping prepaid, and depositing in a collection box for next day
 delivery to the person(s) at the address(es) set forth below via .

13 Karen Petrulakis, Esq.
Andrew J. Davis, Esq.
Folger Levin & Kahn
14 275 Battery St. 23rd Floor
San Francisco, CA 94111
15 Tel: 415-986-2800
16 Fax: 415-986-2827

Attorneys for Defendants,
RENN TRANSPORTATION COMPANY, a
California General Partnership, BRAD RENN,
PATRICIA RENN, ANN RENN, and
ROBERT RENN

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

21 I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on February 14, 2007, at San Francisco, California.

/s/ Judy K. Korbus
Judy K. Korbus